

REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Office Action. Applicant submits that the present rejections should be withdrawn for at least the reasons discussed below.

The Prior Art Rejections:

Claims 1-5, 23 and 25-53 are rejected under 35 U.S.C. § 102(e) over United States Patent Application Publication No. US2004/0049424 to Murray *et al.* ("Murray"). Claims 6-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murray in view of United States Patent No. 6,584,401 to Kirshenbaum *et al.* ("Kirshenbaum"). The patentability of the independent claims will be addressed and then various grounds for separate patentability of the dependent claims will be separately addressed below.

The Independent Claims are not Anticipated by Murray

Independent Claim 1 recites:

A method for matching a passenger with a driver for a trip to a destination, comprising:

automatically identifying a candidate driver for the trip based on a current location for the candidate driver responsive to a request from the passenger; and

providing the passenger an identification of the identified candidate driver.
(Emphasis added.)

Applicant submits that the cited portions of Murray fail to disclose or suggest at least the highlighted portions of Claim 1. Independent Claims 34, 44 and 49 each include corresponding recitations related to identifying a candidate driver based on "a current location" of the candidate driver.

In rejecting Claim 1, the Office Action asserts that:

Murray teaches matching a passenger with a driver for a trip to a destination comprising identifying a candidate driver for the trip based upon location of the driver responsive to a request from a passenger and providing the passenger an identification of the driver (0041, 0054-0056, and 0107).

Office Action, p. 2. As an initial matter, Applicant notes that the rejection does not appear to even assert that Murray teaches that a candidate driver be identified **based on a current location for the candidate driver** as is recited in Claim 1. In reviewing the cited portions of Murray, Applicant can find no such disclosure or suggestion.

Murray is directed to "facilitating and encouraging ride sharing." Murray, Abstract. Murray is directed to using "incentives to commuters" to reduce "the number of single occupancy vehicles ... traffic congestion ...[and] pollution." Murray, Para. 0012. Various incentives are described for encouraging a user of the system to rideshare rather than drive themselves. There is some discussion of location services in the portions of Murray cited in rejecting Claim 1, however, not for identifying a candidate driver. A variety of specific uses of location services information are detailed, such as displaying a map of a rideshare route, tracking "rideshare participants 104 during a trip," providing "relevant local retailer information to ... a rideshare participant during the trip" and monitoring participation in ridesharing. Murray, Paras. 0055-56. Thus, despite expressly considering usage of location information, these specific examples bear no relation to setting up a trip but, instead, relate to supplemental services that can be provided during a trip or tracking if an already arranged trip occurred. The final cited portion of Murray at paragraph 0107 appears to bear no relation to location services information. Accordingly, the rejection of independent Claim 1 and the claims that depend therefrom should be withdrawn for at least these reasons. The rejection of the remaining independent claims and the claims that depend therefrom should be withdrawn at least for substantially similar reasons.

Various of the Dependent Claims are Separately Patentable

Each of the dependent claims is patentable at least based on its dependence from a patentable independent claim as discussed above. In addition, various of the dependent claims are also separately patentable. For example, Claim 2 includes recitations related to determining a start location for a passenger as well as the current location for a candidate driver and identifying a driver as a candidate driver based on the passenger start location and the current location of the driver. These recitations are not discussed in the Office Action and

are neither taught nor suggested by either of the cited references. Claim 3 includes recitations related to obtaining a last known location for a driver from a location service that are also not discussed

Various of the dependent claims include recitations related to use of "availability" of a driver in identifying a candidate driver. For example, Claim 5 recites "obtaining a last known location for selected ones of the plurality of drivers based on the request and/or the specified availability of the plurality of drivers." The Office Action includes no discussion of these recitations. As described in the present application:

At **Block 625**, one or more candidate drivers are identified based on respective start location, current location, destination and/or availability data obtained at one or more of **Blocks 600, 605, 610, 615 and 620**. For example, a driver having a current location and associated destination corresponding to the start location and destination of the passenger and having availability data indicating current availability as a driver may be identified as a candidate driver at **Block 625**.

Specification, p. 14, lines 11-17. Thus, for example, a driver may register as only having certain availability times and not be considered for trip requests except during those available times. The availability information is also combined with a variety of location information for the driver and passenger in various of the dependent claims. For example, Claim 17 recites "identifying at least one of the drivers having a current location and associated destination corresponding to the start location and destination of the passenger and having availability data indicating current availability as a driver as a candidate driver."

In contrast, while Murray describes various examples of trip information, none of these examples correspond to the availability of the present application. Murray, Para. 0049. This absence is expected as Murray is generally directed to making pre-arrangements for car-pooling, as contrasted with embodiments of the present invention where a candidate driver may be identified at the time a ride is requested, based on proximity of registered and available drivers to the start location for the drive at the time of the request. Accordingly, Claims 4, 23, 29, 36, 48 and 53 and the claims that depend therefrom are separately patentable for at least these reasons.

Various of the dependent claims include recitations related to providing payment from a passenger to a driver providing a ride. For example, Claim 14 recites "establishing a

In re: Adamczyk
Serial No. 10/602,150
Filed: June 24, 2003
Page 16 of 17

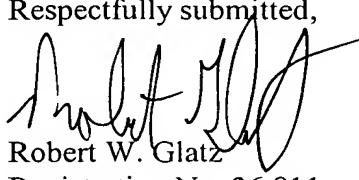
connection between a passenger and a candidate driver "to negotiate a payment for the trip." Claim 15 recites "transferring the payment from an account of the passenger to an account of a candidate driver servicing the trip." None of these recitations are addressed in the Office Action and Applicant can find no disclosure or suggestion of such recitations in any of the cited references. Accordingly, Claims 14, 27, 37, 43, 46 and 51 and the claims that depend therefrom are separately patentable for at least these reasons.

Recitations related to current traffic information are found in various of the dependent claims. For example, Claim 21 recites "obtaining current traffic information from a traffic database" and "identifying at least one of the drivers based on the obtained current traffic information." These recitations are not discussed in the Office Action and Applicant can find no disclosure or suggestion of use of such current traffic information in the portions of the cited references relied on for the rejections. Accordingly, Claims 21, 33 and 52 and the claims that depend therefrom are separately patentable for at least these reasons.

Claim 22 further recites "determining a distance to the destination and estimating an arrival time at the destination based on the determined distance and the current traffic information." These recitations are not discussed in the Office Action and Applicant can find no disclosure or suggestion of use of such current traffic information in the portions of the cited references relied on for the rejections. Accordingly, Claim 22 is also separately patentable for at least these reasons.

Conclusion

Applicant respectfully submits that, for the reasons discussed above, the references cited in the present rejections do not disclose or suggest the present invention as claimed. Accordingly, Applicant respectfully requests allowance of all the pending claims and passing this application to issue.

Respectfully submitted,

Robert W. Glatz
Registration No. 36,811